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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91177234
Party	Plaintiff Cardinal Health 303, Inc.
Correspondence Address	Joseph R. Dreitler Bricker & Eckler LLP 100 S. Third Street Columbus, OH 43215-4291 UNITED STATES mtrue@bricker.com
Submission	Plaintiff's Notice of Reliance
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Signature	/Mary R. True/
Date	06/09/2009
Attachments	JOLLON Notice.pdf (38 pages)(1923981 bytes)

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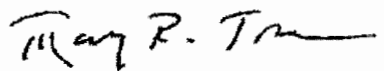
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|------------------------------|---|------------------------------|
| 1. CARDINAL HEALTH 303, INC. | : | |
| Opposer | : | |
| v. | : | Opposition No.: 91-177,234 |
| THE ALARIS GROUP, INC. | : | |
| Applicant | : | |
| 2. CARDINAL HEALTH 303, INC. | : | |
| Opposer | : | |
| v. | : | Opposition No.: 91-177,365 |
| THE ALARIS GROUP, INC. | : | |
| Applicant | : | |
| 3. CARDINAL HEALTH 303, INC. | : | |
| Opposer | : | |
| v. | : | Opposition No.: 91-177,366 |
| THE ALARIS GROUP, INC. | : | |
| Applicant | : | |
| 4. CARDINAL HEALTH 303, INC. | : | |
| Opposer | : | |
| v. | : | Opposition No.: 91-177,367 |
| THE ALARIS GROUP, INC. | : | |
| Applicant | : | |
| 5. CARDINAL HEALTH 303, INC. | : | |
| Petitioner | : | |
| v. | : | Cancellation No.: 92-048,172 |
| THE ALARIS GROUP, INC. | : | |
| Registrant. | : | |

NOTICE OF RELIANCE PURSUANT TO 37 C.F.R. § 2.122(e)

Opposer /Petitioner Cardinal Health 303, Inc., gives notice of its reliance on the attached Declaration of Gary Jollon and supporting exhibits, which are being submitted and relied upon to show the process through which Opposer /Petitioner chose the name “Alaris” and Opposer /Petitioner’s use of the Alaris trademark in its marketing and promotional activities.

Dated: June 9, 2009

Respectfully submitted,

By: 

Joseph R. Dreitler

Mary R. True

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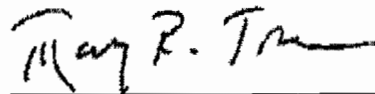
Attorneys for Opposer

Cardinal Health 303, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was served upon the following attorney of record for Applicant by electronic and First Class Mail, this 9th day of June 2009:

Kristine Boylan
Merchant & Gould
3200 IDS Center
80 South 8th Street
Minneapolis, Minnesota 55402
kboylan@merchantgould.com

A handwritten signature in black ink, appearing to read "Mary R. True", is written over a horizontal line.

Mary R. True

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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1. CARDINAL HEALTH 303, INC.	:	
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v.	:	Opposition No. 91-177,234
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	:	
Applicant	:	

5. CARDINAL HEALTH 303, INC.	:	
	:	
Petitioner	:	
	:	
v.	:	Cancellation No. 92-048,172
	:	
THE ALARIS GROUP, INC.	:	
	:	
Registrant	:	

STIPULATED TESTIMONY OF GARY JOLLON

Pursuant to the Stipulation of April 29, 2009, between the parties as to means of taking testimony, filed with the TTAB and in accordance with the TTAB Rules of Procedure, I, Gary Jollon, state that as a witness for Opposer/Petitioner, if called I would testify as follows:

1. I am the Director, Corporate Marketing, Segment Meetings and Events, Corporate Center, Cardinal Health 303, Inc. San Diego, CA, and have held this position since 2005.

2. I have been employed by Cardinal Health 303, Inc. San Diego, CA and its predecessors in interest (the "Company") since 1982. Specifically, I was with IMED Corporation from 1982 until 1986.

3. Since I rejoined the Company in 1996, during the time it was in the process of changing its name to Alaris Medical Systems, Inc., I have held the following positions with the Company:

- a. Director of Marketing Communications
- b. Director of Corporate Communications
- c. Director of Corporate Events

4. When I joined the Company in 1982, the name of the Company was IMED Corporation.

5. In April 1996 the Company changed its name to IVAC Medical Systems, Inc.

6. On November 26, 1996 the Company was merged and the name changed to IVAC Holdings, Inc.

7. On April 25, 1997 the Company changed its name to Alaris Medical Systems, Inc.

8. In 1996 the Company decided that neither IVAC nor IMED would be an appropriate name for a growing company and that a new name should be chosen.

9. I was on the project team that was responsible for coming up with a new name for the Company in 1996.

10. In 1996 the company hired Interbrand Corporation, a global branding company, to develop a new name for the Company and a trademark for all of the goods and services sold by the Company. I worked closely with Interbrand to find and adopt a new company name and trademark.

11. In 1996 each product line had its own trademark. For example, there were products sold under the trademarks Gemini, Signature Edition, MSIII, ReadyMed and Smartsite.

12. As part of the naming process, it was decided that whatever new company name was selected should also become the “house” trademark for all of the products and services then sold under different brand names.

13. In late 1996 Interbrand came up with the name Alaris as both the proposed new Company name and house trademark. Among the other names tested with focus groups were Versant and Sagence, but the term Alaris scored best by far with the focus groups.

14. Interbrand suggested the name Alaris because it was derived from the Latin word for wing (“alar”), and Alaris conveys the Company’s commitment to soar to new heights in the healthcare industry.

15. The name Alaris was announced with great fanfare and was well received. In fact, in the 17th Annual Interbrand Corporate Name Change Survey, held in 1997, the Alaris name for the Company and its products and services was chosen as one of the year’s best names for a renamed company. Attached hereto as Exhibit A is a copy of a published article from 1997 which listed the new company name Alaris as one of the year’s best company name changes.

16. In addition to myself, other employees of the Company who were involved in the selection of the new name Alaris were Barbara Burkett, Jake St. Phillip and Kevin Whitely.

17. The Company spent more than one million dollars (\$1,000,000.00) on the name selection process and introduction of Alaris as the new Company name and trademark for its products and services.

18. In late December 1996 the Company instructed our outside trademark counsel to conduct both a trademark search and company name search to determine if Alaris was available for use and registration in the medical products and services area.

19. On January 10, 1997, our outside trademark counsel was instructed to file Application Serial No. 75/223900 for the trademark Alaris covering the goods and services listed in that application in the name of IVAC Holdings, Inc.

20. On April 29, 1997, the Company changed its corporate name from IVAC Holdings, Inc. to Alaris Medical Systems Inc. The company Alaris Medical Systems, Inc. was publicly traded on the NASDAQ stock exchange from 1997 until it was acquired by Cardinal Health, Inc. in October 2004. Attached hereto as Exhibit B is the cover page and first few pages of the Company's 1996 Annual Report to shareholders as it operated under the company name and trade name Alaris Medical Systems, Inc.

21. On June 16, 2003, Alaris Medical Systems, Inc. was merged into Alaris Medical, Inc.

22. On October 13, 2004, Alaris Medical, Inc. was acquired by and changed its name to Cardinal Health 303, Inc. and all trademarks and other intellectual property associated with the Alaris medical products and services business are now owned by Cardinal Health 303, Inc.

23. As part of my responsibilities with the Company, I am responsible for the Company's trade show and Group Purchasing Organization ("GPO") marketing. Trade shows and Group Purchasing Organization ("GPO") meetings are very important avenues for promoting ALARIS products and services. Sales personnel from the Company regularly attend the following trade shows, conferences and GPO meetings:

Trade Shows:

AACN/NTI (American Association of Critical Care Nurses/ National Teaching Institute)

INS (Infusion Nurses Society)

ONS (Oncology Nurses Society)

HIMSS (Healthcare Information and Management Systems Society)

AONE (American Organization of Nurse Executives)
AORN (Association of Operating Room Nurses)
ACHE (American College of Healthcare Executives)

GPOs:

Premier
VHA (Veterans Hospital of America)
UHC (University Health Consortium)
Med Assets
HPG (Healthcare Purchasing Group)
ASHP (American Society of Hospital Pharmacists)

24. I am aware that the Company has been a major sponsor and exhibitor at all of the trade shows listed in paragraph 23 since at least 1996. The largest of the trade shows, such as the HIMSS and ASHP have approximately 20,000 and 15,000 attendees annually, while even the smaller trade shows, such as the AONE, have 4,000 attendees. There are eight (8) GPO trade shows annually, and approximately 1500 people attend each show. The attendees at these trade shows include nurses, pharmacists and clinicians, all of whom work in many different healthcare settings, including include acute care hospitals, nursing homes, ambulatory care centers, surgical centers, infusion centers, cancer centers, pharmacies, laboratories, research clinics, schools, and in patient's homes. From 1997 through 2004, the Company was the sole "badge" sponsor for each of these shows, so every badge issued and worn by every attendee prominently displayed the Alaris name on the attendee badge for the duration of the show, usually 3-4 days in length.

25. Attached hereto as Exhibit C are photographs of the customized Alaris trade show display that was used and displayed at all of the trade shows and conferences listed in paragraph 23 between 1997 through 2004. This display cost more than

\$750,000.00. The current display for the Company also prominently features and promotes the Alaris brand for goods and services, although the company name, Cardinal Health, Inc. is prominently displayed at each trade show.

26. My Company spends between one and two million dollars (\$1-2,000,000.00) each year to exhibit and attend all of the trade shows and promote Alaris products and services to the attendees.

I declare under the penalties of perjury that the foregoing statements are true to the best of my information, knowledge and belief.

6/4/09
Date

Gary Jollon
Gary Jollon

Does A Rose Really Smell As Sweet?

Survey Says Corporate Name Changes On The Rise; Ten Best And Worst New Names Cited

NEW YORK--(BUSINESS WIRE)--Dec. 15, 1997--The name game was played at a fever pitch in 1997 with a record 185 publicly held companies changing their corporate name, according to the 17th annual Interbrand Corporate Name Change Survey.

The increase -- a whopping 46% over 1996 and a 20% increase over the previous record set in 1987 -- was led by financial corporations with 39 and manufacturers with 33.

"The volume alone is extraordinary," said Interbrand Chairman Alvin Schechter, "but the reasons behind many of the name changes offer even more telling insights. Name changes affect a corporation's identity on all levels from the financial forecasts to the public perception of products and services."

Schechter, whose company is the world's leading branding consultancy, noted that the investment in a name goes well beyond signage, stationery and business cards. "People are acutely aware of the power of branding. Brands can convey a product's benefits, cement a corporation's positioning, and contribute enormous value to the bottom line."

Mergers and acquisitions were the leading agents of name change in publicly traded companies this year. Significantly, the 39 name changes in the financial industry more than doubled the 1996 number; changes in the manufacturing segment rose more moderately from 29 in 1996 to 33 in 1997. Other industries leading 1997's list are high tech with 18 (up from 10 in 1996); oil and gas at 16 (compared with six in 1996); healthcare/pharmaceutical with 11 (down from the 1996 total of 15); and telecommunications and utilities (11 name changes each, up from seven each in 1996).

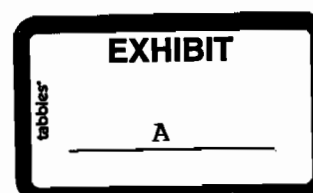
Brand Awareness

For the first time in the history of the Interbrand survey, branding has played a highly visible role in corporate name selection. "Two companies -- Fortune Brands (formerly American Brands) and Canandaigua Brands (formerly Canandaigua Wine) even chose to include the word 'brand' in their name," said Interbrand's Schechter. "In another brand-driven name change, Wholesome & Hearty Foods, a manufacturer of low-fat meatless food products, was renamed Gardenburger Inc., after its top-selling product."

The merger of Bay Bank and the Bank of Boston this year yielded a new company with global reach and some \$60 billion in assets this year. In this instance, the company consulted with Interbrand, which recommended a single-brand strategy and the name BankBoston. That name has been successfully rolled out across the entire region.

For some companies, distancing themselves from past negative associations can be the driving force behind a name change. American Brands, the Connecticut-based manufacturing company, first made a name for itself in the tobacco business. In 1994 it ceased tobacco operations and continued with its other products. But continuing public perception of American Brands as a tobacco company moved the board to change the name to Fortune Brands this year.

Of course, distancing oneself from the past can sometimes go awry. Witness the transformation of ValueJet into AirTran following the highly publicized air crash in Florida's Everglades. Observes Schechter: "Most passengers and industry insiders are still explaining AirTran as the 'former ValueJet'"



which just transfers the old perceptions to the new name."

Enter Mr. Namewell

As pioneers in branding and specialists in naming for nearly 25 years, Interbrand is uniquely suited to evaluate 1997's best and worst renamed companies. Here are the booms and the busts:

The Year's Best Names

Zi Corp -- Zi means "character" in Chinese. This distinctive and memorable name is the perfect identifier for a company that specializes in Chinese character language technologies. Formerly Multi-Corp.

Alaris -- From the Latin word for wing, this company chose a name that conveys its commitment to soar to new heights in the healthcare industry. It was Advanced Medical Inc.

Ikon -- This office furniture company created a name that is short, strong, and memorable. Its twist on the word "icon" connotes industry leadership. Formerly Alco Standard.

Chrysalis -- This pharmaceutical development firm's new name suggests growth, evolution, forward movement, color and personality. Formerly DNX Corp.

The Year's Worst Names

AirTran -- The name is not distinctive and lacks personality. Rather than suggesting a great way to fly, it has a "cargo" feel, which was where ValueJet had its problem before.

US Airways -- In and of itself, not a bad name. But this is too subtle a change to alter the airline's positioning. The question is: is it really worth the huge expense to simply add four letters? Formerly USAir.

Medtox Scientific -- Sounds like toxic medicine. Formerly Editek Inc.

Interbrand is the world's leading branding consultancy, offering a full array of services to assist in the creation, enhancement and maintenance of a company's most valuable assets: its brands. Corporate and product positioning and brand naming are among the company's core strengths. Interbrand has helped name such market leaders as Prozac, Slice, Gillette's Sensor Excel Shaving System, IBM's Aptiva, Expedia from Microsoft, Nuprin and many other products, services and companies. A wholly owned subsidiary of Omnicom Group, Interbrand underwent its own name change in November 1997 when it unified its name from Interbrand Schecter to Interbrand.

-End-

(Source: Interbrand)



1996 ANNUAL REPORT

EXHIBIT

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BRINGING TOGETHER THE BEST OF IMED & IVAC

DERIVED FROM LATIN, MEANING 'TO HAVE WINGS,' THE NAME ALARIS™ SIGNIFIES THE COMPANY'S DEDICATION TO TECHNOLOGICAL LEADERSHIP AND ADVANCEMENT; ITS STAR-LIKE IMAGERY REINFORCES OUR COMMITMENT TO OUR CUSTOMERS THROUGH QUALITY PRODUCTS AND SERVICES. THE ALARIS MEDICAL LOGO IS A REFLECTION OF THE MEANING OF THE WORD ITSELF. THE SPARKLING STAR SIGNALS A COMPANY SETTING LEADERSHIP STANDARDS FOR THE INDUSTRY. THE SOFTER, DIRECTIONAL SWEEP WITHIN THE STAR ORIENTS THE COMPANY'S VISION INTO THE FUTURE. PREVIOUSLY KNOWN AS ADVANCED MEDICAL, INC., ALARIS MEDICAL, INC. IS THE NAME OF THE PUBLICLY TRADED HOLDING COMPANY. ITS OPERATING COMPANY, FORMED BY THE MERGER OF IMED CORPORATION AND IVAC MEDICAL SYSTEMS, INC., IS ALARIS MEDICAL SYSTEMS, INC. BOTH NAMES WERE ANNOUNCED IN THE SECOND QUARTER, 1997.



MISSION STATEMENT

TO PROVIDE INNOVATIVE, COST-EFFECTIVE, QUALITY PRODUCTS AND SERVICES THAT DELIVER THERAPEUTIC AND LIFE-SUSTAINING MEDICATIONS DESIGNED TO FIGHT DISEASE, ALLEVIATE PAIN, AND IMPROVE AND EXTEND THE QUALITY OF HUMAN LIFE.

ALARIS Medical — the name is new, the Company's IMED®-IVAC® product line needs no

introduction.



Page 8

Starting with IVAC in 1968 and IMED in 1972, the

Company has built a reputation for technological **innovation.**



Page 10

With an

emphasis on



Page 14

worldwide expansion, ALARIS Medical

Systems manufactures, markets and distributes intravenous infusion and patient monitoring

products in more than 120 countries worldwide. The Company plans to maximize its



Page 18

performance via merger synergies, new products, internal growth,

worldwide expansions,



acquisitions and alliances.



EXHIBIT

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